

Entered - 8-1-00 - sb  
CL 00L0465 - GWENDOLYN BURNS

CLAIM OF: **DIONNE JOHNSON**  
4056 Elm Street  
Atlanta, Georgia 30341

01- *ℓ* -0260

For vehicular damages alleged to have been sustained as a result of an unraised sewer manhole in the roadway on July 10, 2000 at 675 Ponce de Leon Avenue, NE.

**BY PUBLIC SAFETY AND LEGAL ADMINISTRATION  
COMMITTEE:**

**BE IT RESOLVED** by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **DIONNE JOHNSON** the sum of **\$865.82** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of an unraised sewer manhole in the roadway on July 10, 2000 at 675 Ponce de Leon Avenue, NE as is more particularly set forth in the within claim; said sum taken from and charged to account 2J01/529017/T31001, Settlement of Suits and Claims, Department of Law.

APPROVED: **SUSAN PEASE LANGFORD**  
CITY ATTORNEY

BY:

  
**ROBERT N. GODFREY**  
**DEPUTY CITY ATTORNEY**

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0465

Date: February 14, 2001

Claimant /Victim DIONNE JOHNSON  
BY: (Atty) (Ins. Co.) \_\_\_\_\_  
Address: 4056 Elm Street, Atlanta, Georgia 30341  
Subrogation: \_\_\_\_\_ Claim for Property damage \$ 865.82 Bodily Injury \$ \_\_\_\_\_  
Date of Notice: 7/18/00 Method: Written, proper X Improper \_\_\_\_\_  
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 7/10/00 Place: 675 Ponce de Leon Avenue, NE  
Department PUBLIC WORKS Division: Sewer Operations  
Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

NATURE OF CLAIM: Claimant's vehicle sustained damage when she drove over an unraised sewer manhole in the roadway. An investigation determined that the City had notice of the condition of the manhole but failed to correct it.

INVESTIGATION:

Statements: City employee X Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral X  
Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report \_\_\_\_\_ Other X  
Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_  
Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

BASIS OF RECOMMENDATION:

Function: Governmental \_\_\_\_\_ Ministerial X  
Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other \_\_\_\_\_ Damages reasonable X  
City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_  
Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_  
Claimant Negligent \_\_\_\_\_ City Negligent X Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ 865.82 Adverse \_\_\_\_\_ Account charged: 1A01 \_\_\_\_\_ 2J01 X 2H01 \_\_\_\_\_  
Claims Manager:  Concur/date 02-15-01  
Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

COUNCIL OF THE CITY OF ATLANTA  
MUNICIPAL CLERK  
City Hall  
55 Trinity Avenue, S.W.  
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

Today's Date: 7-13-00

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 543.74 property and/or \$ 0 bodily injury for which I contend the City is liable.

1. Date of incident: 7/10/00 (month/day/ year) 2. Time of Incident: 2:12:00 PM 3. Police called: Yes ☒ No ☐

4. Location of incident (including street address): E. Ponce De Leon Ave (between Glen Iris and Ponce De Leon Place) - between Ponce De Leon Ave & City Hall East  
5. Name of your insurance company: GEICO Policy No. N/A

6. State what and how incident occurred: Driving westbound (towards downtown) on E. Ponce De Leon Ave, there is a manhole that is several inches below the paved street. In other words the manhole cover is not at the same level as the street.

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION! 7 wheel.

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: 1998 Volvo (Make) 1998 (Year) 188 WFM (Tag Number) Dionne Johnson (Driver's Name)

City vehicle: \_\_\_\_\_ (Make) \_\_\_\_\_ (City Driver's Name) \_\_\_\_\_ (Department/Bureau)

9. Witness: \_\_\_\_\_ (Name) \_\_\_\_\_ (Address) \_\_\_\_\_ (Telephone Number)

10. The acknowledgment of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Dionne Joh  
Signature of Claimant

Dionne Johnson  
(Print Claimant's Name)

4056 Elm Street  
(Address)

Atlanta, GA 30341  
(City, State and Zip Code)

770-708-4123 770-454-6699  
(Work Number) (Home Number)

4056 Elm Street  
Atlanta, GA 30341

July 17, 2000

COUNCIL OF THE CITY OF ATLANTA  
MUNICIPAL CLERK  
City Hall  
55 Trinity Avenue S.W.  
Atlanta, Georgia 30335

Dear Municipal Clerk,

This letter serves as supplemental documentation to the claim form mailed by your office for me to complete and return to you. As the claim form indicates, I have suffered damages in the amount sum of \$563.74. The incident occurred late night on Monday, July 10, 2000. While I was driving westbound, towards downtown, on E. Ponce De Leon Avenue, I drove over a manhole that is several inches below the paved street. This manhole is located in the left lane, just east of City Hall East, between the Kroger shopping center and City Hall East. The cross streets are Glen Iris Drive and Ponce De Leon Place. Driving over this 'hole' caused my front passenger wheel to bend and crack. I attempted to have the wheel repaired (see attached invoice for \$25.00 from Wheel Wizard), however since the wheel is cracked it cannot be repaired, and has to be replaced.

My vehicle is a 1998 Volvo C70. I tried to get another estimate from several tire stores, however since my car uses 18-inch BBS wheels made for Volvo, I was told I would have to get this part from the dealer. I contacted Chris Volvo, and Dyer & Dyer Volvo for the cost of a replacement part plus labor. The part plus labor cost is over \$500.00. The less expensive of the two estimates is \$538.74. I am paying these damages, not my insurance company. Please feel free to contact me with any questions or comments.

Thank you,



Dionne S. Johnson  
Enclosures (5)

01- R -0260

**GENERAL RELEASE AND INDEMNIFICATION**

CLAIM NUMBER 00L0465

\$ 865.82

IN CONSIDERATION of the sum of EIGHT HUNDRED SIXTY FIVE DOLLARS AND 82/100 DOLLARS, to be paid by the CITY OF ATLANTA, the future receipt of which is hereby acknowledged, I do hereby, for myself, my heirs, executors, administrators, and assigns, release and forever discharge said City, its officers and employees, demands, actions, causes of action, suits, damages, loss and expenses, of whatsoever kind or nature for or on account of anything that has heretofore occurred, and particularly for or on account of a vehicular damage incident which occurred on or about the 10<sup>th</sup> day of July, 2000, at or near 675 Ponce De Leon Avenue.

It is further understood and agreed that the payment of the above named sum is not to be considered as an admission on the part of the City, its officers, agents, servants or employees, of any liability whatsoever and the undersigned further covenants and agrees to indemnify and hold harmless the City of Atlanta, its officers, agents, servants and employees, from any and all claims, damages or costs which the said City of Atlanta, its officers, agents, servants and employees, may be called upon to make as a result of the event hereinbefore referred to.

And I now state that the only consideration for my signing this release and indemnification is the payment of the sum stated above; that no other promise or agreement of any kind or nature has been made to or with me by said City or its agents to cause me to sign this release, and that I fully understand the meaning and intent of this instrument.

WITNESS my hand and seal this thirteenth day of February, 2001.

Dionne Johnson (LS)  
Dionne Johnson

The above release was read and explained to, and signed by the said \_\_\_\_\_  
in our presence on the date above written.

Dionne Johnson  
(Dionne Johnson)

Dez Blackwell  
CM